

Message Text

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ACTION ARA-10

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P 271635Z MAY 78
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 7696

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 4240

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LIMDIS

EO 11652: GDS
TAGS: CGEN, PINT, US, BR
SUBJ: FOREIGN MINISTRY QUESTIONS "POLITICAL" ROLE OF U.S.
CONSULAR OFFICERS

1. PORTO ALEGRE CONSUL EXTON VISITED FLORIANOPOLIS, STATE OF SANTA CATARINA IN MARCH AND AGAIN IN MID-MAY TO PAY HIS INITIAL CALLS ON STATE GOVERNOR AND OTHER OFFICIALS. APPOINTMENTS INCLUDED MEETINGS WITH PRO-GOVERNMENT ARENA AND OPPOSITION MDB LEADERSHIP IN STATE LEGISLATURE ASSEMBLY AS WELL AS ARENA PRESIDENT OF LEGISLATURE.

2. CHARGE WAS CALLED TO FOREIGN MINISTRY ON MAY 24 BY AMBASSADOR ARAUJO, CHIEF DEPARTMENT OF AMERICAS, WHO SAID HE HAD BEEN INSTRUCTED BY HIS SUPERIORS TO DISCUSS CERTAIN ASPECTS OF CONSUL EXTON'S VISIT TO FORIANOPOLIS. TWO ACTIONS BY CONSUL EXTON WHICH EMBASSY CONSIDERS WHOLLY UNEXCEPTIONAL--HIS MEETING WITH PARTY LEADERS IN THE STATE LEGISLATURE AND HIS DISTRUBUTION BY MAIL TO STATE OFFICIALS OF DEPUTY SECRETARY CHRISTOPHER'S FEBRUARY SPEECH ON HUMAN RIGHTS--WERE DESCRIBED BY ARAUJO AS INAPPROPRIATE BECAUSE THEY ALLEGEDLY CONSTITUTED "POLITICAL" ACTIVITIES NOT AUTHORIZED FOR CONSULAR OFFICERS UNDER VIENNA CONSULAR CONVENTION OF 1963. ARTICLE 5 OF CONVENTION SPECIFIES
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CERTAIN FUNCTIONS FOR CONSULS, E.G., COMMERCIAL AND CONSULAR, BUT NOT POLITICAL ACTIVITIES, HE NOTED. AMBASSADOR ARAUJO EXPLAINED THAT CALL ON PRESIDENT OF LEGISLATIVE ASSEMBLY IS CONSIDERED NORMAL FOR CONSUL MAKING FIRST VISIT, BUT CALLS SCHEDULED WITH ARENA AND MDB LEADERSHIP STATE LEGISLATURES ARE POLITICAL ACTIONS. WHEN PINNED DOWN HE CONCEDED THAT SUCH CALLS, THOUGH INAPPROPRIATE FOR A FIRST VISIT, MIGHT BE PERMISSIBLE

ON SUBSEQUENT INFORMAL VISITS, AMBASSADOR ARAUJO ALSO LABELED CONSUL EXTON'S MAILING OF "POLITICAL PUBLICATIONS", I.E., DEPUTY SECRETARY CHRISTOPHER'S SPEECH (WHICH HAD BEEN AUTHORIZED BY WASHINGTON FOR WORLDWIDE DISTRIBUTION) AS INAPPROPRIATE "POLITICAL ACTION". WHEN CHARGE PRESSED AMBASSADOR ARAUJO FOR MORE NARROW DEFINITION OF KINDS OF MATERIAL THAT, IN GOB OPINION, CONSULS SHOULD NOT BE DISTRIBUTING, LATTER FURTHER OBSCURED ISSUE BY CONCEDED THAT DISTRIBUTION OF, FOR EXAMPLE, A SPEECH BY DEPARTMENT OFFICIAL ON US POLICY TOWARD LATIN AMERICA WOULD NOT BE CONSIDERED OBJECTIONABLE BECAUSE IT DEALT WITH BROAD FOREIGN POLICY ISSUES. CHARGE WAS GENERALLY UNSUCCESSFUL IN GETTING AMBASSADOR ARAUJO TO DRAW FINER LINE BETWEEN WHAT GOB CONSIDERED POLITICAL AND NON-POLITICAL ACTIONS BY FOREIGN CONSULS. ARAUJO WAS CAUTIOUS AND LOW-KEYED IN HIS PRESENTATION AND OBVIOUSLY EMBARRASSED BY CHARGE'S QUESTIONS, AND APPEARED SIMPLY TO BE DELIVERING A MESSAGE FROM HIS SUPERIORS. CHARGE GAVE HIM TO UNDERSTAND THAT HE CONSIDERED THESE ACTIVITIES NORMAL FOR CONSULS.

3. THIS EPISODE RECALLS SIMILAR COMPLAINTS AGAINST SAO PAULO CONGEN FEDERIC CHAPIN SOME THREE YEARS AGO. FOREIGN MINISTRY RAISED QUESTION OF ARTICLE 5 VIOLATION AFTER A CHAPIN MEETING WITH LOCAL POLITICIANS ARRANGED AT INITIATIVE OF LOCAL AUTHORITIES TO BRIEF HIM DURING A TRIP IN HIS CONSULAR DISTRICT. ON OTHER OCCASION FEDERAL DEPUTY FROM SAO PAULO MADE WIDELY PUBLICIZED SPEECH IN NATIONA CONGRESS REFERRING TO CHAPIN MEETINGS WITH CONFIDENTIAL

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LOCAL POLITICIANS AND ACCUSING CONGEN OF INTERFERING IN BRAZIL'S INTERNAL POLITICS. FOR REASONS UNKNOWN, FOREIGN MINISTRY DECIDED NOT TO RAISE ISSUE WITH EMBASSY ON SECOND OCCASION. CONGEN WAS NOT DETERRED FROM PURSUING HIS CONTACTS AS HE DEEMED APPROPRIATE, AND ISSUE REMAINED DORMANT UNTIL LATEST ROUND WITH FOREIGN MINISTRY.

NOTE BY OC/T: TELEGRAM DELAYED IN TRANSMISSION.

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 4240

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4. EMBASSY READING OF ARTICLE 5 OF VIENNA CONVENTION, ESPECIALLY PARAGRAPHS (A)-(C), WOULD INDICATED THAT A CONSUL HAS A RIGHT TO MEET A BROAD SPECTRUM OF LOCAL SOCIETY WHILE PROMOTING BILATERAL RELATIONS AND GATHERING INFORMATION IN COMMERCIAL, ECONOMIC, CULTURAL, AND SCIENTIFIC FIELDS. WE ALSO NOTE THAT ARTICLE 38 OF CONVENTION PROVIDES THAT CONSULAR OFFICERS MAY COMMUNICATE WITH LOCAL AUTHORITIES IN THE EXERCISE OF THEIR FUNCTIONS. IT IS, AND HAS BEEN, THE GENERAL PRACTICE OF OUR COUNSULAR OFFICERS IN THEIR OWN CAPTITAL CITIES AND WHEN TRAVELING, TO CALL ON COMMUNITY LEADERS--INCLUDING BUSINESS LEADERS, CULTURAL FIGURES, AND THE LEADERSHIP OF THE EXECUTIVE AND LEGISLATIVE BRANCHES OF LOCAL GOVERNMENT AND OF BOTH POLITICAL PARTIES--PRO-GOVERNMENT ARENA AND OPPOSITION MDB. THIS POLICY DID NOT CHANGE AFTER THE CAHPIN INCIDENTS NOR DID CHARGE GIVE ANY INDICATION TO AMBASSADOR ARAUJO THAT WE WOULD MODIFY OUR POLICIES BECAUSE OF THIS LATEST INSTANCE. CONCERNING THE SECOND COMPLAINT, OUR BPAOS THROUGHOUT BRAZIL OF COURSE REGULARLY MAIL OUT, AS A NORMAL PART OF THEIR ACTIVITIES, TEXTS OF SPEECHES AND STATEMENTS BY USG SPOKESMAN.

5. WE ARE WILLING TO CONCEDE THAT SOME ADJUSTMENT MIGHT HAVE TO BE MADE IN PROGRAMMING CONSULS' FIRST VISITS TO STATE CAPITALS, SO AS TO SATISFY GOB PROTOCOLARY REQUIREMENTS. WE RECOGNIZE, CONFIDENTIAL

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HOWEVER, THAT THE GOB MAY SEEK TO ASSERT ITS OWN INTERPRETATION OF THE VIENNA CONVENTION, AND WE ARE AWARE OF THE POSSIBILITY THAT WE MAY BE FACED WITH MORE THAN JUST A PRO-FORMA COMPLAINT. EMBASSY HAS RECENTLY RECEIVED INFORMATION FROM AMERICAN RESIDENT OF SAO PAULO WHO, IN CONVERSATION WITH FOREIGN MINISTER SILVEIRA, HEARD HIM COMPLAIN ABOUT "EXCESSIVE POLITICAL MEETINGS" CARRIED OUT BY UNIDENTIFIED US CONSULS IN BRAZIL. SOURCE DREW CLEAR INFERENCE THAT SILVEIRA INTENDED TO RAISE ISSUE WITH AMBASSADOR AT EARLY OPPORTUNITY.

6. SUBJECT TO GUIDANCE FROM DEPARTMENT AND, OF COURSE, TO FINAL DECISION BY AMBASSADOR SAYRE, EMBASSY WOULD PREFER NOT TO CONFRONT

GOB WITH LEGAL COUNTER-ARGUMENT WHICH COULD POSSIBLY WORK TO OUR DISADVANTAGE BY RESULTING IN RESTRICTIONS ON CONSULS. RATHER, WE REQUEST DEPARTMENT'S GUIDANCE ON QUESTIONS OF APPROPRIATE CONSULAR ACTIVITIES SO THAT WE MAY BE PREPARED TO RESPOND TO SPECIFIC FIREIGN MINISTRY ARGUMENTS CONCERNING BEHAVIOR OF US CONSULAR OFFICERS IN THE LEGITMATE PERFORAMANCE OF THEIR DUTIES, OR IF MINISTRY OFFICIALS SEEK TO RAISE ISSUE AGAIN IN DIFFERENT CONTEXT. SPECIFICALLY, DOES OUR READING OF ARTICLES 5 AND 38 (PARA 4 ABOVE) CONSTITUTE REASONABLE RESPONSE TO GOB CRITICISMS?

7. QUESTION COULD BE RAISED AGAIN VERY SOON IF INFORMATION IN PARA 5 IS CORRECT, AND WE WOULD APPRECIATE DEPARTMENT'S RESPONSE SOONEST.
JOHNSON

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